UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,696	12/30/2003	Patrick D. Blattner	06975-533001 / AOL 180; A	2885

26171   7590   03/18/2008
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ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *26 December 2007*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *25-79* is/are pending in the application.
    4a) Of the above claim(s) *1-24* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *25-79* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *26 December 2007* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *6/16/04, 7/19/05, 3/30/07, 7/25/07, 9/28/07*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 25-79 are subject to examination. Claims 1-24 are withdrawn.

Election/Restrictions

2.   Applicant's election without traverse of Group II invention in the reply filed on 12/26/07

is acknowledged. Applicant is requested to cancel the withdrawn claims 1-24.

Priority

3.   Applicant's claim for domestic priorities under 35 U.S.C. 119(e) is acknowledged.

Specification

4.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The present title is too broad and is

not sufficient for proper classification of the claimed subject matter.

Drawings

5.   The figures submitted on 12/30/03 are acknowledged.

Information Disclosure Statement

An initialed and dated copy of the applicant's IDS form 1449, paper dated 6/16/04, 7/19/05, 3/30/07,

7/25/07, 9/28/07, are attached to the instant Office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 54-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to a non-statutory subject matter. The claims 54-62 do not fall into any of the statutory

categories, hence please claim tangible computer storage medium such as memory, etc.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 25-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al.

2004/0003041 (Hereinafter Moore).

9.   Referring to claims 25, 54, 63, Moore discloses a computer-implemented method for

enabling perception of multiple online personas in an instant messaging communications session

(e.g., page 4), the method comprising: a computer-readable medium or propagated signal having

embodied thereon a computer program configured to enable perception of multiple online

personas in an instant messaging communications session, the medium or signal comprising one

or more code segments configured to: (e.g., page 4), a system for enabling perception of

multiple online personas in an instant messaging communications session, the system comprising

a processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to: (e.g., page 4), rendering, on an instant messaging recipient system,

an instant messaging application user interface for an instant messaging communications session

involving at least one potential instant messaging recipient and a single potential instant

messaging sender (e.g., page 4); sending a message that includes a text message and a persona

selected among multiple possible personas associated with the instant messaging sender to be

displayed by the potential instant messaging recipient when displaying the text message (e.g.,

page 5), the selected persona comprising a collection of one or more self-expression items and a

sender avatar capable of being animated (e.g., page 6); and rendering the selected persona at the

potential instant messaging recipient system when rendering another portion of the message

(e.g., page 6).

10.   Referring to claims 26, 55, 64, Moore discloses the claimed limitations as rejected above.

Moore also discloses wherein the sender persona is selected by the instant messaging sender

from the multiple possible personas associated with the instant messaging sender (e.g., page 7).

11.   Referring to claims 27, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the persona is rendered before communications are initiated by the

potential instant messaging sender (e.g., page 8).

12.   Referring to claim 28, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the persona is rendered after communications are initiated by the potential

instant messaging sender (e.g., page 8).

13.   Referring to claims 29, 56, 65, Moore discloses the claimed limitations as rejected above.

Moore also discloses self-expression items comprise one or more of a wallpaper, an emoticon,

and a sound (e.g., page 6).

14.   Referring to claim 30, Moore discloses the claimed limitations as rejected above. Moore

also discloses defining one or more personas (e.g., page 5).

15.   Referring to claim 31, Moore discloses the claimed limitations as rejected above. Moore

also discloses assigning a first persona to a first potential instant messaging recipient so that the

first persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the first potential instant messaging recipient (e.g., page 7);

and assigning a second persona to a second potential instant messaging recipient so that the

second persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the second potential instant messaging recipient, wherein the

second persona is at least partially distinguishable from the first persona (e.g., page 8).

16.   Referring to claim 32, Moore discloses the claimed limitations as rejected above. Moore

also discloses assigning a first persona to a first group of potential instant messaging recipients

so that the first persona is thereafter automatically invoked and projected in an instant messaging

communications session involving a member of the first group of potential instant messaging

recipients (e.g., page 7); and assigning a second persona to a second potential instant messaging

recipient so that the second persona is thereafter automatically invoked and projected, in an

instant messaging communications session involving the second potential instant messaging

recipient, wherein the second persona is at least partially distinguishable from the first persona

(e.g., page 8).

17.   Referring to claim 33, Moore discloses the claimed limitations as rejected above. Moore

also discloses disabling use of one of the multiple personas (e.g., page 7).

18.   Referring to claim 34, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein disabling use of one of the multiple personas comprises disabling use of

one of the multiple personas based on the instant messaging recipient (e.g., page 9).

19.   Referring to claim 35, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein: one of the multiple personas comprise a work persona associated with

presence of the instant messaging sender at a work location associated with the instant messaging

sender (e.g., page 8), and one of the multiple personas comprise a home persona associated with

presence of the instant messaging sender at home (e.g., page 8), the method further comprising:

determining whether the instant messaging sender is at home or at the work location (e.g., page

9); in response to a determination that the instant messaging sender is at home, selecting the

home persona for use in the instant messaging communications session (e.g., page 9); and in

response to a determination that the instant messaging sender is at the work location, selecting

the work persona for use in the instant messaging communications session (e.g., page 9).

20.   Referring to claim 36, Moore discloses the claimed limitations as rejected above. Moore

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on time of day (e.g., page 6).

21.   Referring to claim 37, Moore discloses the claimed limitations as rejected above. Moore

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on day of week (e.g., page 6).

22.   Referring to claim 38, Moore discloses the claimed limitations as rejected above. Moore

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on a group of potential instant messaging recipients that are associated with the potential

instant messaging recipient (e.g., page 6).

23.   Referring to claim 39, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein at least some of characteristics of a persona may be transparent to the

instant messaging sender (e.g., page 5).

24.   Referring to claim 40, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the sender avatar is animated to send an out- of-band communication from

the instant messaging sender to the potential instant messaging recipient (e.g., page 5).

25.   Referring to claim 41, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., page 4).

26.   Referring to claim 42, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the environmental condition comprises an environmental condition related

to weather occurring in a geographic location near the instant messaging sender (e.g., page 6).

27.   Referring to claim 43, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., page 7).

28.   Referring to claim 44, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., page 8).

29.   Referring to claim 45, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the out-of-band communication comprises a communication indicating a setting characteristic associated with the instant messaging sender (e.g., page 7).

30.   Referring to claim 46, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the setting characteristic comprises a characteristic related to time of day of the instant messaging sender (e.g., page 7).

31.   Referring to claim 47, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the setting characteristic comprises a characteristic related to time of year (e.g., page 6).

32.   Referring to claim 48, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the time of year comprises a holiday (e.g., page 6).

33.   Referring to claim 49, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the time of year comprises a season wherein the season is one of spring, summer, fall or winter (e.g., page 7).

34.   Referring to claim 50, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the time of year comprises a season wherein the season is one of spring,

summer, fall or winter (e.g., page 7).

35.   Referring to claim 51, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the setting characteristic comprises a characteristic associated with a

recreation setting (e.g., page 8).

36.   Referring to claim 52, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the recreation setting comprises a beach setting or a tropical setting (e.g.,

page 9).

37.   Referring to claim 53, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the recreation setting comprises a winter sport setting (e.g., page 9).

38.   Referring to claim 57, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the one or more code segments are further configured to receive a

selection of a persona to be displayed by the potential instant messaging recipient based on a

group of potential instant messaging recipients that are associated with the potential instant

messaging recipient (e.g., page 8).

39.   Referring to claim 58, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the one or more code segments are configured to animate the sender

avatar to send an out-of-band communication from the instant messaging sender to the potential

instant messaging recipient (e.g., page 7).

40.   Referring to claim 59, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., page 6).

41.   Referring to claim 60, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., page 5).

42.   Referring to claim 61, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., page 7).

43.   Referring to claim 62, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., page 8).

44.   Referring to claim 66, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the processor is further configured to receive a selection of a persona to be displayed by the potential instant messaging recipient based on a group of potential instant messaging recipients that are associated with the potential instant messaging recipient (e.g., page 8).

45.   Referring to claim 67, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the processor is configured to animate the sender avatar to send an out-of-band communication from the instant messaging sender to the potential instant messaging recipient: (e.g., page 7).

46.   Referring to claim 68, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the out-of-band communication comprises a communication indicating an environmental condition associated with the instant messaging sender (e.g., page 6).

47.   Referring to claim 69, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the out-of-band communication comprises a communication indicating a personality characteristic associated with the instant messaging sender (e.g., page 5).

48.   Referring to claim 70, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., page 8).

49.   Referring to claim 71, Moore discloses the claimed limitations as rejected above. Moore

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., page 8).

50.   Referring to claim 72, Moore discloses the claimed limitations as rejected above. Moore

also discloses a system for enabling perception of multiple online personas in an instant

messaging communications session, the system comprising: means to render, on an instant

messaging recipient system, an instant messaging application user interface for an instant

messaging communications session involving at least one potential instant messaging recipient

and a single potential instant messaging sender; means to send a message that includes a text

message and a persona selected among multiple possible personas associated with the instant

messaging sender to be displayed by the potential instant messaging recipient when displaying

the text message, the selected persona comprising a collection of one or more self-expression

items and a sender avatar capable of being animated; and means to render the selected persona at

the potential instant messaging recipient system when rendering another portion of the message

(please refer to the claim 1 for the rejections of the similar limitations).

51.   Referring to claim 73, Moore discloses the claimed limitations as rejected above. Moore

also discloses a computer-implemented method for using an avatar to communicate, the method

comprising: representing a user graphically using an avatar capable of being animated (e.g., page

4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., page 7).

52.   Referring to claim 74, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the avatar is associated with a description that identifies the personality of the avatar (e.g., page 8).

53.   Referring to claim 75, Moore discloses the claimed limitations as rejected above. Moore also discloses wherein the personality of the avatar includes at least some characteristics that are distinct of at least some characteristics of a personality of the user (e.g., page 9).

54.   Referring to claim 76, Moore discloses the claimed limitations as rejected above. Moore also discloses graphically representing a second user with a second avatar capable of being animated wherein the second avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the second avatar (e.g., page 4), wherein: the personality of the second avatar includes at least some characteristics that are distinct of at least some characteristics of the personality of the first avatar, and communication messages are being sent between the first user and the second user (e.g., page 7).

55.   Referring to claim 77, Moore discloses the claimed limitations as rejected above. Moore also discloses a computer-readable medium or propagated signal having embodied thereon a

computer program configured to use an avatar to communicate, the medium or signal comprising

one or more code segments configured to: represent a user graphically using an avatar capable of

being animated (e.g., page 4), wherein the avatar is associated with multiple animations and

multiple features of appearance that represent a pattern of characteristics representing a

personality of the avatar (e.g., page 7).

56.   Referring to claim 78, Moore discloses the claimed limitations as rejected above. Moore

also discloses a system for using an avatar to communicate, the system comprising a processor

connected to a storage device and one or more input/output devices, wherein the processor is

configured to represent a user graphically using an avatar capable of being animated (e.g., page

4), wherein the avatar is associated with multiple animations and multiple features of appearance

that represent a pattern of characteristics representing a personality of the avatar (e.g., page 7).

57.   Referring to claim 79, Moore discloses the claimed limitations as rejected above. Moore

also discloses a system for using an avatar to communicate, the system comprising: means for

representing a user graphically using an avatar capable of being animated (e.g., page 4), wherein

the avatar is associated with multiple animations and multiple features of appearance that

represent a pattern of characteristics representing a personality of the avatar (e.g., page 7).

58.   Claims 25-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller

6,629,793 (Hereinafter Miller).

59.   Referring to claims 25, 54, 63, Miller discloses a computer-implemented method for

enabling perception of multiple online personas in an instant messaging communications session

(e.g., col., 4), the method comprising: a computer-readable medium or propagated signal having

embodied thereon a computer program configured to enable perception of multiple online

personas in an instant messaging communications session, the medium or signal comprising one

or more code segments configured to: (e.g., col., 4), a system for enabling perception of multiple

online personas in an instant messaging communications session, the system comprising a

processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to: (e.g., col., 4), rendering, on an instant messaging recipient system, an

instant messaging application user interface for an instant messaging communications session

involving at least one potential instant messaging recipient and a single potential instant

messaging sender (e.g., col., 4); sending a message that includes a text message and a persona

selected among multiple possible personas associated with the instant messaging sender to be

displayed by the potential instant messaging recipient when displaying the text message (e.g.,

col., 5), the selected persona comprising a collection of one or more self-expression items and a

sender avatar capable of being animated (e.g., col., 14); and rendering the selected persona at the

potential instant messaging recipient system when rendering another portion of the message

(e.g., figures 6, 10, col., 14).

60.   Referring to claims 26, 55, 64, Miller discloses the claimed limitations as rejected above.

Miller also discloses wherein the sender persona is selected by the instant messaging sender from

the multiple possible personas associated with the instant messaging sender (e.g., col., 15).

61.   Referring to claim 27, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the persona is rendered before communications are initiated by the

potential instant messaging sender (e.g., col., 13).

62.   Referring to claim 28, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the persona is rendered after communications are initiated by the potential

instant messaging sender (e.g., col., 13).

63.   Referring to claims 29, 56, 65, Miller discloses the claimed limitations as rejected above.

Miller also discloses self-expression items comprise one or more of a wallpaper, an emoticon,

and a sound (e.g., col., 14).

64.   Referring to claim 30, Miller discloses the claimed limitations as rejected above. Miller

also discloses defining one or more personas (e.g., col., 5).

65.   Referring to claim 31, Miller discloses the claimed limitations as rejected above. Miller

also discloses assigning a first persona to a first potential instant messaging recipient so that the

first persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the first potential instant messaging recipient (e.g., col., 15);

and assigning a second persona to a second potential instant messaging recipient so that the

second persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the second potential instant messaging recipient, wherein the

second persona is at least partially distinguishable from the first persona (e.g., col., 13).

66.   Referring to claim 32, Miller discloses the claimed limitations as rejected above. Miller

also discloses assigning a first persona to a first group of potential instant messaging recipients

so that the first persona is thereafter automatically invoked and projected in an instant messaging

communications session involving a member of the first group of potential instant messaging

recipients (e.g., col., 15); and assigning a second persona to a second potential instant messaging

recipient so that the second persona is thereafter automatically invoked and projected, in an

instant messaging communications session involving the second potential instant messaging

recipient, wherein the second persona is at least partially distinguishable from the first persona

(e.g., col., 13).

67.   Referring to claim 33, Miller discloses the claimed limitations as rejected above. Miller

also discloses disabling use of one of the multiple personas (e.g., col., 15).

68.   Referring to claim 34, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein disabling use of one of the multiple personas comprises disabling use of

one of the multiple personas based on the instant messaging recipient (e.g., col., 14).

69.   Referring to claim 35, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein: one of the multiple personas comprise a work persona associated with

presence of the instant messaging sender at a work location associated with the instant messaging

sender (e.g., col., 13), and one of the multiple personas comprise a home persona associated with

presence of the instant messaging sender at home (e.g., col., 13), the method further comprising:

determining whether the instant messaging sender is at home or at the work location (e.g., col.,

14); in response to a determination that the instant messaging sender is at home, selecting the

home persona for use in the instant messaging communications session (e.g., col., 14); and in

response to a determination that the instant messaging sender is at the work location, selecting

the work persona for use in the instant messaging communications session (e.g., col., 14).

70.   Referring to claim 36, Miller discloses the claimed limitations as rejected above. Miller

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on time of day (e.g., col., 14).

71.   Referring to claim 37, Miller discloses the claimed limitations as rejected above. Miller

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on day of week (e.g., col., 14).

72.   Referring to claim 38, Miller discloses the claimed limitations as rejected above. Miller

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on a group of potential instant messaging recipients that are associated with the potential

instant messaging recipient (e.g., col., 14).

73.   Referring to claim 39, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein at least some of characteristics of a persona may be transparent to the

instant messaging sender (e.g., col., 5).

74.   Referring to claim 40, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the sender avatar is animated to send an out- of-band communication from

the instant messaging sender to the potential instant messaging recipient (e.g., col., 5).

75.   Referring to claim 41, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., col., 4).

76.   Referring to claim 42, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the environmental condition comprises an environmental condition related

to weather occurring in a geographic location near the instant messaging sender (e.g., col., 14).

77.   Referring to claim 43, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., col., 15).

78.   Referring to claim 44, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., col., 13).

79.   Referring to claim 45, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., col., 15).

80.   Referring to claim 46, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the setting characteristic comprises a characteristic related to time of day

of the instant messaging sender (e.g., col., 15).

81.   Referring to claim 47, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the setting characteristic comprises a characteristic related to time of year

(e.g., col., 14).

82.   Referring to claim 48, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the time of year comprises a holiday (e.g., col., 14).

83.   Referring to claim 49, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the time of year comprises a season wherein the season is one of spring,

summer, fall or winter (e.g., col., 15).

84.   Referring to claim 50, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the time of year comprises a season wherein the season is one of spring,

summer, fall or winter (e.g., col., 15).

85.   Referring to claim 51, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the setting characteristic comprises a characteristic associated with a

recreation setting (e.g., col., 13).

86.   Referring to claim 52, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the recreation setting comprises a beach setting or a tropical setting (e.g.,

col., 14).

87.   Referring to claim 53, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the recreation setting comprises a winter sport setting (e.g., col., 14).

88.   Referring to claim 57, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the one or more code segments are further configured to receive a

selection of a persona to be displayed by the potential instant messaging recipient based on a

group of potential instant messaging recipients that are associated with the potential instant

messaging recipient (e.g., col., 13).

89.   Referring to claim 58, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the one or more code segments are configured to animate the sender avatar to send an out-of-band communication from the instant messaging sender to the potential instant messaging recipient (e.g., col., 15).

90.   Referring to claim 59, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the out-of-band communication comprises a communication indicating an environmental condition associated with the instant messaging sender (e.g., col., 14).

91.   Referring to claim 60, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the out-of-band communication comprises a communication indicating a personality characteristic associated with the instant messaging sender (e.g., col., 5).

92.   Referring to claim 61, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., col., 15).

93.   Referring to claim 62, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the out-of-band communication comprises a communication indicating a setting characteristic associated with the instant messaging sender (e.g., col., 13).

94.   Referring to claim 66, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the processor is further configured to receive a selection of a persona to be

displayed by the potential instant messaging recipient based on a group of potential instant

messaging recipients that are associated with the potential instant messaging recipient (e.g., col.,

13).

95.   Referring to claim 67, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the processor is configured to animate the sender avatar to send an out-of-

band communication from the instant messaging sender to the potential instant messaging

recipient: (e.g., col., 15).

96.   Referring to claim 68, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., col., 14).

97.   Referring to claim 69, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., col., 5).

98.   Referring to claim 70, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., col., 13).

99.   Referring to claim 71, Miller discloses the claimed limitations as rejected above. Miller

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., col., 13).

100.   Referring to claim 72, Miller discloses the claimed limitations as rejected above. Miller

also discloses a system for enabling perception of multiple online personas in an instant

messaging communications session, the system comprising: means to render, on an instant

messaging recipient system, an instant messaging application user interface for an instant

messaging communications session involving at least one potential instant messaging recipient

and a single potential instant messaging sender; means to send a message that includes a text

message and a persona selected among multiple possible personas associated with the instant

messaging sender to be displayed by the potential instant messaging recipient when displaying

the text message, the selected persona comprising a collection of one or more self-expression

items and a sender avatar capable of being animated; and means to render the selected persona at

the potential instant messaging recipient system when rendering another portion of the message

(please refer to the claim 1 for the rejections of the similar limitations).

101.   Referring to claim 73, Miller discloses the claimed limitations as rejected above. Miller

also discloses a computer-implemented method for using an avatar to communicate, the method

comprising: representing a user graphically using an avatar capable of being animated (e.g., col.,

4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 15).

102.   Referring to claim 74, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the avatar is associated with a description that identifies the personality of the avatar (e.g., col., 13).

103.   Referring to claim 75, Miller discloses the claimed limitations as rejected above. Miller also discloses wherein the personality of the avatar includes at least some characteristics that are distinct of at least some characteristics of a personality of the user (e.g., col., 14).

104.   Referring to claim 76, Miller discloses the claimed limitations as rejected above. Miller also discloses graphically representing a second user with a second avatar capable of being animated wherein the second avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the second avatar (e.g., col., 4), wherein: the personality of the second avatar includes at least some characteristics that are distinct of at least some characteristics of the personality of the first avatar, and communication messages are being sent between the first user and the second user (e.g., col., 15).

105.   Referring to claim 77, Miller discloses the claimed limitations as rejected above. Miller also discloses a computer-readable medium or propagated signal having embodied thereon a

computer program configured to use an avatar to communicate, the medium or signal comprising one or more code segments configured to: represent a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 15).

106.   Referring to claim 78, Miller discloses the claimed limitations as rejected above. Miller also discloses a system for using an avatar to communicate, the system comprising a processor connected to a storage device and one or more input/output devices, wherein the processor is configured to represent a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 15).

107.   Referring to claim 79, Miller discloses the claimed limitations as rejected above. Miller also discloses a system for using an avatar to communicate, the system comprising: means for representing a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 15).

108.   Claims 25-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Wies et al., 7,159,008 (Hereinafter Wies).

109.   Referring to claims 25, 54, 63, Wies discloses a computer-implemented method for

enabling perception of multiple online personas in an instant messaging communications session

(e.g., col., 4), the method comprising: a computer-readable medium or propagated signal having

embodied thereon a computer program configured to enable perception of multiple online

personas in an instant messaging communications session, the medium or signal comprising one

or more code segments configured to: (e.g., col., 4), a system for enabling perception of multiple

online personas in an instant messaging communications session, the system comprising a

processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to: (e.g., col., 4), rendering, on an instant messaging recipient system, an

instant messaging application user interface for an instant messaging communications session

involving at least one potential instant messaging recipient and a single potential instant

messaging sender (e.g., col., 4); sending a message that includes a text message and a persona

selected among multiple possible personas associated with the instant messaging sender to be

displayed by the potential instant messaging recipient when displaying the text message (e.g.,

col., 5), the selected persona comprising a collection of one or more self-expression items and a

sender avatar capable of being animated (e.g., col., 6); and rendering the selected persona at the

potential instant messaging recipient system when rendering another portion of the message

(e.g., figures 3a - 4, col., 6).

110.   Referring to claims 26, 55, 64, Wies discloses the claimed limitations as rejected above.

Wies also discloses wherein the sender persona is selected by the instant messaging sender from

the multiple possible personas associated with the instant messaging sender (e.g., col., 7).

111.   Referring to claim 27, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the persona is rendered before communications are initiated by the

potential instant messaging sender (e.g., col., 11).

112.   Referring to claim 28, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the persona is rendered after communications are initiated by the potential

instant messaging sender (e.g., col., 11).

113.   Referring to claims 29, 56, 65, Wies discloses the claimed limitations as rejected above.

Wies also discloses self-expression items comprise one or more of a wallpaper, an emoticon, and

a sound (e.g., col., 6).

114.   Referring to claim 30, Wies discloses the claimed limitations as rejected above. Wies

also discloses defining one or more personas (e.g., col., 5).

115.   Referring to claim 31, Wies discloses the claimed limitations as rejected above. Wies

also discloses assigning a first persona to a first potential instant messaging recipient so that the

first persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the first potential instant messaging recipient (e.g., col., 7);

and assigning a second persona to a second potential instant messaging recipient so that the

second persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (e.g., col., 11).

116.   Referring to claim 32, Wies discloses the claimed limitations as rejected above. Wies also discloses assigning a first persona to a first group of potential instant messaging recipients so that the first persona is thereafter automatically invoked and projected in an instant messaging communications session involving a member of the first group of potential instant messaging recipients (e.g., col., 7); and assigning a second persona to a second potential instant messaging recipient so that the second persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (e.g., col., 11).

117.   Referring to claim 33, Wies discloses the claimed limitations as rejected above. Wies also discloses disabling use of one of the multiple personas (e.g., col., 7).

118.   Referring to claim 34, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein disabling use of one of the multiple personas comprises disabling use of one of the multiple personas based on the instant messaging recipient (e.g., col., 6).

119.   Referring to claim 35, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein: one of the multiple personas comprise a work persona associated with

presence of the instant messaging sender at a work location associated with the instant messaging

sender (e.g., col., 11), and one of the multiple personas comprise a home persona associated with

presence of the instant messaging sender at home (e.g., col., 11), the method further comprising:

determining whether the instant messaging sender is at home or at the work location (e.g., col.,

6); in response to a determination that the instant messaging sender is at home, selecting the

home persona for use in the instant messaging communications session (e.g., col., 6); and in

response to a determination that the instant messaging sender is at the work location, selecting

the work persona for use in the instant messaging communications session (e.g., col., 6).

120.   Referring to claim 36, Wies discloses the claimed limitations as rejected above. Wies

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on time of day (e.g., col., 6).

121.   Referring to claim 37, Wies discloses the claimed limitations as rejected above. Wies

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on day of week (e.g., col., 6).

122.   Referring to claim 38, Wies discloses the claimed limitations as rejected above. Wies

also discloses selecting a persona to be displayed by the potential instant messaging recipient

based on a group of potential instant messaging recipients that are associated with the potential

instant messaging recipient (e.g., col., 6).

123.   Referring to claim 39, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein at least some of characteristics of a persona may be transparent to the

instant messaging sender (e.g., col., 5).

124.   Referring to claim 40, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the sender avatar is animated to send an out- of-band communication from

the instant messaging sender to the potential instant messaging recipient (e.g., col., 5).

125.   Referring to claim 41, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., col., 4).

126.   Referring to claim 42, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the environmental condition comprises an environmental condition related

to weather occurring in a geographic location near the instant messaging sender (e.g., col., 6).

127.   Referring to claim 43, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., col., 7).

128.   Referring to claim 44, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., col., 11).

129.   Referring to claim 45, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., col., 7).

130.   Referring to claim 46, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the setting characteristic comprises a characteristic related to time of day

of the instant messaging sender (e.g., col., 7).

131.   Referring to claim 47, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the setting characteristic comprises a characteristic related to time of year

(e.g., col., 6).

132.   Referring to claim 48, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the time of year comprises a holiday (e.g., col., 6).

133.   Referring to claim 49, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the time of year comprises a season wherein the season is one of spring,

summer, fall or winter (e.g., col., 7).

134.   Referring to claim 50, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the time of year comprises a season wherein the season is one of spring, summer, fall or winter (e.g., col., 7).

135.   Referring to claim 51, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the setting characteristic comprises a characteristic associated with a recreation setting (e.g., col., 11).

136.   Referring to claim 52, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the recreation setting comprises a beach setting or a tropical setting (e.g., col., 6).

137.   Referring to claim 53, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the recreation setting comprises a winter sport setting (e.g., col., 6).

138.   Referring to claim 57, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the one or more code segments are further configured to receive a selection of a persona to be displayed by the potential instant messaging recipient based on a group of potential instant messaging recipients that are associated with the potential instant messaging recipient (e.g., col., 11).

139.   Referring to claim 58, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the one or more code segments are configured to animate the sender

avatar to send an out-of-band communication from the instant messaging sender to the potential

instant messaging recipient (e.g., col., 7).

140.   Referring to claim 59, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., col., 6).

141.   Referring to claim 60, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., col., 5).

142.   Referring to claim 61, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., col., 7).

143.   Referring to claim 62, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., col., 11).

144.   Referring to claim 66, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the processor is further configured to receive a selection of a persona to be

displayed by the potential instant messaging recipient based on a group of potential instant

messaging recipients that are associated with the potential instant messaging recipient (e.g., col.,

11).

145.   Referring to claim 67, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the processor is configured to animate the sender avatar to send an out-of-

band communication from the instant messaging sender to the potential instant messaging

recipient: (e.g., col., 7).

146.   Referring to claim 68, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

environmental condition associated with the instant messaging sender (e.g., col., 6).

147.   Referring to claim 69, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

personality characteristic associated with the instant messaging sender (e.g., col., 5).

148.   Referring to claim 70, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating an

emotional state associated with the instant messaging sender (e.g., col., 11).

149.   Referring to claim 71, Wies discloses the claimed limitations as rejected above. Wies

also discloses wherein the out-of-band communication comprises a communication indicating a

setting characteristic associated with the instant messaging sender (e.g., col., 11).

150.   Referring to claim 72, Wies discloses the claimed limitations as rejected above. Wies

also discloses a system for enabling perception of multiple online personas in an instant

messaging communications session, the system comprising: means to render, on an instant

messaging recipient system, an instant messaging application user interface for an instant

messaging communications session involving at least one potential instant messaging recipient

and a single potential instant messaging sender; means to send a message that includes a text

message and a persona selected among multiple possible personas associated with the instant

messaging sender to be displayed by the potential instant messaging recipient when displaying

the text message, the selected persona comprising a collection of one or more self-expression

items and a sender avatar capable of being animated; and means to render the selected persona at

the potential instant messaging recipient system when rendering another portion of the message

(please refer to the claim 1 for the rejections of the similar limitations).

151.   Referring to claim 73, Wies discloses the claimed limitations as rejected above. Wies

also discloses a computer-implemented method for using an avatar to communicate, the method

comprising: representing a user graphically using an avatar capable of being animated (e.g., col.,

4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 7).

152.   Referring to claim 74, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the avatar is associated with a description that identifies the personality of the avatar (e.g., col., 11).

153.   Referring to claim 75, Wies discloses the claimed limitations as rejected above. Wies also discloses wherein the personality of the avatar includes at least some characteristics that are distinct of at least some characteristics of a personality of the user (e.g., col., 6).

154.   Referring to claim 76, Wies discloses the claimed limitations as rejected above. Wies also discloses graphically representing a second user with a second avatar capable of being animated wherein the second avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the second avatar (e.g., col., 4), wherein: the personality of the second avatar includes at least some characteristics that are distinct of at least some characteristics of the personality of the first avatar, and communication messages are being sent between the first user and the second user (e.g., col., 7).

155.   Referring to claim 77, Wies discloses the claimed limitations as rejected above. Wies also discloses a computer-readable medium or propagated signal having embodied thereon a

computer program configured to use an avatar to communicate, the medium or signal comprising one or more code segments configured to: represent a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 7).

156.   Referring to claim 78, Wies discloses the claimed limitations as rejected above. Wies also discloses a system for using an avatar to communicate, the system comprising a processor connected to a storage device and one or more input/output devices, wherein the processor is configured to represent a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 7).

157.   Referring to claim 79, Wies discloses the claimed limitations as rejected above. Wies also discloses a system for using an avatar to communicate, the system comprising: means for representing a user graphically using an avatar capable of being animated (e.g., col., 4), wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (e.g., col., 7).

158.   Claims 25-79 are rejected under 35 U.S.C. 102(e) as being anticipated by McKelvie et al. 2006/0173959 (Hereinafter McKelvie).

159.   Referring to claims 25, 54, 63, McKelvie discloses a computer-implemented method for

enabling perception of multiple online personas in an instant messaging communications session

(e.g., page 2), the method comprising: a computer-readable medium or propagated signal having

embodied thereon a computer program configured to enable perception of multiple online

personas in an instant messaging communications session, the medium or signal comprising one

or more code segments configured to: (e.g., page 2), a system for enabling perception of

multiple online personas in an instant messaging communications session, the system comprising

a processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to: (e.g., page 2), rendering, on an instant messaging recipient system,

an instant messaging application user interface for an instant messaging communications session

involving at least one potential instant messaging recipient and a single potential instant

messaging sender (e.g., page 2); sending a message that includes a text message and a persona

selected among multiple possible personas associated with the instant messaging sender to be

displayed by the potential instant messaging recipient when displaying the text message (e.g.,

page 16), the selected persona comprising a collection of one or more self-expression items and a

sender avatar capable of being animated (e.g., page 21); and rendering the selected persona at the

potential instant messaging recipient system when rendering another portion of the message

(e.g., page 21).

160.   Referring to claims 26, 55, 64, McKelvie discloses the claimed limitations as rejected

above. McKelvie also discloses wherein the sender persona is selected by the instant messaging

sender from the multiple possible personas associated with the instant messaging sender (e.g., page 7).

161.   Referring to claims 27, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the persona is rendered before communications are initiated by the potential instant messaging sender (e.g., page 8).

162.   Referring to claim 28, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the persona is rendered after communications are initiated by the potential instant messaging sender (e.g., page 8).

163.   Referring to claims 29, 56, 65, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses self-expression items comprise one or more of a wallpaper, an emoticon, and a sound (e.g., page 21).

164.   Referring to claim 30, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses defining one or more personas (e.g., page 16).

165.   Referring to claim 31, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses assigning a first persona to a first potential instant messaging recipient so that the first persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the first potential instant messaging recipient (e.g.,

page 7); and assigning a second persona to a second potential instant messaging recipient so that the second persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (e.g., page 8).

166.   Referring to claim 32, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses assigning a first persona to a first group of potential instant messaging recipients so that the first persona is thereafter automatically invoked and projected in an instant messaging communications session involving a member of the first group of potential instant messaging recipients (e.g., page 7); and assigning a second persona to a second potential instant messaging recipient so that the second persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (e.g., page 8).

167.   Referring to claim 33, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses disabling use of one of the multiple personas (e.g., page 7).

168.   Referring to claim 34, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein disabling use of one of the multiple personas comprises disabling use of one of the multiple personas based on the instant messaging recipient (e.g., page 9).

169.   Referring to claim 35, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein: one of the multiple personas comprise a work persona

associated with presence of the instant messaging sender at a work location associated with the

instant messaging sender (e.g., page 8), and one of the multiple personas comprise a home

persona associated with presence of the instant messaging sender at home (e.g., page 8), the

method further comprising: determining whether the instant messaging sender is at home or at

the work location (e.g., page 9); in response to a determination that the instant messaging sender

is at home, selecting the home persona for use in the instant messaging communications session

(e.g., page 9); and in response to a determination that the instant messaging sender is at the work

location, selecting the work persona for use in the instant messaging communications session

(e.g., page 9).

170.   Referring to claim 36, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses selecting a persona to be displayed by the potential instant messaging

recipient based on time of day (e.g., page 21).

171.   Referring to claim 37, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses selecting a persona to be displayed by the potential instant messaging

recipient based on day of week (e.g., page 21).

172.   Referring to claim 38, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses selecting a persona to be displayed by the potential instant messaging

recipient based on a group of potential instant messaging recipients that are associated with the

potential instant messaging recipient (e.g., page 21).

173.   Referring to claim 39, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein at least some of characteristics of a persona may be transparent

to the instant messaging sender (e.g., page 16).

174.   Referring to claim 40, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the sender avatar is animated to send an out- of-band

communication from the instant messaging sender to the potential instant messaging recipient

(e.g., page 16).

175.   Referring to claim 41, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating an environmental condition associated with the instant messaging sender (e.g., page

2).

176.   Referring to claim 42, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the environmental condition comprises an environmental

condition related to weather occurring in a geographic location near the instant messaging sender (e.g., page 21).

177.   Referring to claim 43, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the out-of-band communication comprises a communication indicating a personality characteristic associated with the instant messaging sender (e.g., page 7).

178.   Referring to claim 44, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., page 8).

179.   Referring to claim 45, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the out-of-band communication comprises a communication indicating a setting characteristic associated with the instant messaging sender (e.g., page 7).

180.   Referring to claim 46, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the setting characteristic comprises a characteristic related to time of day of the instant messaging sender (e.g., page 7).

181.   Referring to claim 47, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the setting characteristic comprises a characteristic related to time of year (e.g., page 21).

182.   Referring to claim 48, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the time of year comprises a holiday (e.g., page 21).

183.   Referring to claim 49, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the time of year comprises a season wherein the season is one

of spring, summer, fall or winter (e.g., page 7).

184.   Referring to claim 50, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the time of year comprises a season wherein the season is one

of spring, summer, fall or winter (e.g., page 7).

185.   Referring to claim 51, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the setting characteristic comprises a characteristic associated

with a recreation setting (e.g., page 8).

186.   Referring to claim 52, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the recreation setting comprises a beach setting or a tropical

setting (e.g., page 9).

187.   Referring to claim 53, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the recreation setting comprises a winter sport setting (e.g.,

page 9).

188.   Referring to claim 57, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the one or more code segments are further configured to

receive a selection of a persona to be displayed by the potential instant messaging recipient based

on a group of potential instant messaging recipients that are associated with the potential instant

messaging recipient (e.g., page 8).

189.   Referring to claim 58, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the one or more code segments are configured to animate the

sender avatar to send an out-of-band communication from the instant messaging sender to the

potential instant messaging recipient (e.g., page 7).

190.   Referring to claim 59, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating an environmental condition associated with the instant messaging sender (e.g., page

21).

191.   Referring to claim 60, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating a personality characteristic associated with the instant messaging sender (e.g., page 16).

192.   Referring to claim 61, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., page 7).

193.   Referring to claim 62, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the out-of-band communication comprises a communication indicating a setting characteristic associated with the instant messaging sender (e.g., page 8).

194.   Referring to claim 66, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the processor is further configured to receive a selection of a persona to be displayed by the potential instant messaging recipient based on a group of potential instant messaging recipients that are associated with the potential instant messaging recipient (e.g., page 8).

195.   Referring to claim 67, McKelvie discloses the claimed limitations as rejected above. McKelvie also discloses wherein the processor is configured to animate the sender avatar to send an out-of-band communication from the instant messaging sender to the potential instant messaging recipient (e.g., page 7).

196.   Referring to claim 68, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating an environmental condition associated with the instant messaging sender (e.g., page

21).

197.   Referring to claim 69, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating a personality characteristic associated with the instant messaging sender (e.g., page

16).

198.   Referring to claim 70, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating an emotional state associated with the instant messaging sender (e.g., page 8).

199.   Referring to claim 71, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the out-of-band communication comprises a communication

indicating a setting characteristic associated with the instant messaging sender (e.g., page 8).

200.   Referring to claim 72, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses a system for enabling perception of multiple online personas in an

instant messaging communications session, the system comprising: means to render, on an

instant messaging recipient system, an instant messaging application user interface for an instant

messaging communications session involving at least one potential instant messaging recipient

and a single potential instant messaging sender; means to send a message that includes a text

message and a persona selected among multiple possible personas associated with the instant

messaging sender to be displayed by the potential instant messaging recipient when displaying

the text message, the selected persona comprising a collection of one or more self-expression

items and a sender avatar capable of being animated; and means to render the selected persona at

the potential instant messaging recipient system when rendering another portion of the message

(please refer to the claim 1 for the rejections of the similar limitations).

201.   Referring to claim 73, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses a computer-implemented method for using an avatar to communicate,

the method comprising: representing a user graphically using an avatar capable of being

animated (e.g., page 2), wherein the avatar is associated with multiple animations and multiple

features of appearance that represent a pattern of characteristics representing a personality of the

avatar (e.g., page 7).

202.   Referring to claim 74, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the avatar is associated with a description that identifies the

personality of the avatar (e.g., page 8).

203.   Referring to claim 75, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses wherein the personality of the avatar includes at least some

characteristics that are distinct of at least some characteristics of a personality of the user (e.g.,

page 9).

204.   Referring to claim 76, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses graphically representing a second user with a second avatar capable of

being animated wherein the second avatar is associated with multiple animations and multiple

features of appearance that represent a pattern of characteristics representing a personality of the

second avatar (e.g., page 2), wherein: the personality of the second avatar includes at least some

characteristics that are distinct of at least some characteristics of the personality of the first

avatar, and communication messages are being sent between the first user and the second user

(e.g., page 7).

205.   Referring to claim 77, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses a computer-readable medium or propagated signal having embodied

thereon a computer program configured to use an avatar to communicate, the medium or signal

comprising one or more code segments configured to: represent a user graphically using an

avatar capable of being animated (e.g., page 2), wherein the avatar is associated with multiple

animations and multiple features of appearance that represent a pattern of characteristics

representing a personality of the avatar (e.g., page 7).

206.   Referring to claim 78, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses a system for using an avatar to communicate, the system comprising a

processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to represent a user graphically using an avatar capable of being animated

(e.g., page 2), wherein the avatar is associated with multiple animations and multiple features of

appearance that represent a pattern of characteristics representing a personality of the avatar

(e.g., page 7).

207.   Referring to claim 79, McKelvie discloses the claimed limitations as rejected above.

McKelvie also discloses a system for using an avatar to communicate, the system comprising:

means for representing a user graphically using an avatar capable of being animated (e.g., page

2), wherein the avatar is associated with multiple animations and multiple features of appearance

that represent a pattern of characteristics representing a personality of the avatar (e.g., page 7).

208.   Claims 25-79 are rejected under 35 U.S.C. 102(e) as being anticipated by De Vries,

2005/0227676 (Hereinafter De Vries).

209.   Referring to claims 25, 54, 63, De Vries discloses a computer-implemented method for

enabling perception of multiple online personas in an instant messaging communications session

(e.g., page 3), the method comprising: a computer-readable medium or propagated signal having

embodied thereon a computer program configured to enable perception of multiple online

personas in an instant messaging communications session, the medium or signal comprising one

or more code segments configured to: (e.g., page 3), a system for enabling perception of

multiple online personas in an instant messaging communications session, the system comprising

a processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to: (e.g., page 3), rendering, on an instant messaging recipient system,

an instant messaging application user interface for an instant messaging communications session

involving at least one potential instant messaging recipient and a single potential instant

messaging sender (e.g., page 3); sending a message that includes a text message and a persona

selected among multiple possible personas associated with the instant messaging sender to be

displayed by the potential instant messaging recipient when displaying the text message (e.g.,

page 4), the selected persona comprising a collection of one or more self-expression items and a

sender avatar capable of being animated (e.g., page 5); and rendering the selected persona at the

potential instant messaging recipient system when rendering another portion of the message

(e.g., page 5).

210.   Referring to claims 26, 55, 64, De Vries discloses the claimed limitations as rejected

above. De Vries also discloses wherein the sender persona is selected by the instant messaging

sender from the multiple possible personas associated with the instant messaging sender (e.g.,

page 7).

211.   Referring to claims 27, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the persona is rendered before communications are initiated by the

potential instant messaging sender (e.g., page 8).

212.   Referring to claim 28, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the persona is rendered after communications are initiated by the

potential instant messaging sender (e.g., page 8).

213.   Referring to claims 29, 56, 65, De Vries discloses the claimed limitations as rejected

above. De Vries also discloses self-expression items comprise one or more of a wallpaper, an

emoticon, and a sound (e.g., page 5).

214.   Referring to claim 30, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses defining one or more personas (e.g., page 4).

215.   Referring to claim 31, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses assigning a first persona to a first potential instant messaging recipient so

that the first persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the first potential instant messaging recipient (e.g., page 7);

and assigning a second persona to a second potential instant messaging recipient so that the

second persona is thereafter automatically invoked and projected, in an instant messaging

communications session involving the second potential instant messaging recipient, wherein the

second persona is at least partially distinguishable from the first persona (e.g., page 8).

216.   Referring to claim 32, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses assigning a first persona to a first group of potential instant messaging

recipients so that the first persona is thereafter automatically invoked and projected in an instant

messaging communications session involving a member of the first group of potential instant

messaging recipients (e.g., page 7); and assigning a second persona to a second potential instant

messaging recipient so that the second persona is thereafter automatically invoked and projected,

in an instant messaging communications session involving the second potential instant

messaging recipient, wherein the second persona is at least partially distinguishable from the first

persona (e.g., page 8).

217.   Referring to claim 33, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses disabling use of one of the multiple personas (e.g., page 7).

218.   Referring to claim 34, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein disabling use of one of the multiple personas comprises disabling

use of one of the multiple personas based on the instant messaging recipient (e.g., page 6).

219.   Referring to claim 35, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein: one of the multiple personas comprise a work persona associated

with presence of the instant messaging sender at a work location associated with the instant

messaging sender (e.g., page 8), and one of the multiple personas comprise a home persona

associated with presence of the instant messaging sender at home (e.g., page 8), the method

further comprising: determining whether the instant messaging sender is at home or at the work

location (e.g., page 6); in response to a determination that the instant messaging sender is at

home, selecting the home persona for use in the instant messaging communications session (e.g., page 6); and in response to a determination that the instant messaging sender is at the work location, selecting the work persona for use in the instant messaging communications session (e.g., page 6).

220.   Referring to claim 36, De Vries discloses the claimed limitations as rejected above. De Vries also discloses selecting a persona to be displayed by the potential instant messaging recipient based on time of day (e.g., page 5).

221.   Referring to claim 37, De Vries discloses the claimed limitations as rejected above. De Vries also discloses selecting a persona to be displayed by the potential instant messaging recipient based on day of week (e.g., page 5).

222.   Referring to claim 38, De Vries discloses the claimed limitations as rejected above. De Vries also discloses selecting a persona to be displayed by the potential instant messaging recipient based on a group of potential instant messaging recipients that are associated with the potential instant messaging recipient (e.g., page 5).

223.   Referring to claim 39, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein at least some of characteristics of a persona may be transparent to the instant messaging sender (e.g., page 4).

224.   Referring to claim 40, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein the sender avatar is animated to send an out- of-band communication from the instant messaging sender to the potential instant messaging recipient (e.g., page 4).

225.   Referring to claim 41, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein the out-of-band communication comprises a communication indicating an environmental condition associated with the instant messaging sender (e.g., page 3).

226.   Referring to claim 42, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein the environmental condition comprises an environmental condition related to weather occurring in a geographic location near the instant messaging sender (e.g., page 5).

227.   Referring to claim 43, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein the out-of-band communication comprises a communication indicating a personality characteristic associated with the instant messaging sender (e.g., page 7).

228.   Referring to claim 44, De Vries discloses the claimed limitations as rejected above. De Vries also discloses wherein the out-of-band communication comprises a communication indicating an emotional state associated with the instant messaging sender (e.g., page 8).

229.   Referring to claim 45, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating a setting characteristic associated with the instant messaging sender (e.g., page 7).

230.   Referring to claim 46, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the setting characteristic comprises a characteristic related to time

of day of the instant messaging sender (e.g., page 7).

231.   Referring to claim 47, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the setting characteristic comprises a characteristic related to time

of year (e.g., page 5).

232.   Referring to claim 48, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the time of year comprises a holiday (e.g., page 5).

233.   Referring to claim 49, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the time of year comprises a season wherein the season is one of

spring, summer, fall or winter (e.g., page 7).

234.   Referring to claim 50, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the time of year comprises a season wherein the season is one of

spring, summer, fall or winter (e.g., page 7).

235.   Referring to claim 51, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the setting characteristic comprises a characteristic associated with a

recreation setting (e.g., page 8).

236.   Referring to claim 52, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the recreation setting comprises a beach setting or a tropical setting

(e.g., page 6).

237.   Referring to claim 53, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the recreation setting comprises a winter sport setting (e.g., page 6).

238.   Referring to claim 57, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the one or more code segments are further configured to receive a

selection of a persona to be displayed by the potential instant messaging recipient based on a

group of potential instant messaging recipients that are associated with the potential instant

messaging recipient (e.g., page 8).

239.   Referring to claim 58, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the one or more code segments are configured to animate the sender

avatar to send an out-of-band communication from the instant messaging sender to the potential

instant messaging recipient (e.g., page 7).

240.   Referring to claim 59, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating an environmental condition associated with the instant messaging sender (e.g., page

5).

241.   Referring to claim 60, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating a personality characteristic associated with the instant messaging sender (e.g., page 4).

242.   Referring to claim 61, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating an emotional state associated with the instant messaging sender (e.g., page 7).

243.   Referring to claim 62, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating a setting characteristic associated with the instant messaging sender (e.g., page 8).

244.   Referring to claim 66, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the processor is further configured to receive a selection of a

persona to be displayed by the potential instant messaging recipient based on a group of potential

instant messaging recipients that are associated with the potential instant messaging recipient

(e.g., page 8).

245.   Referring to claim 67, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the processor is configured to animate the sender avatar to send an

out-of-band communication from the instant messaging sender to the potential instant messaging

recipient : (e.g., page 7).

246.   Referring to claim 68, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating an environmental condition associated with the instant messaging sender (e.g., page

5).

247.   Referring to claim 69, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating a personality characteristic associated with the instant messaging sender (e.g., page 4).

248.   Referring to claim 70, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating an emotional state associated with the instant messaging sender (e.g., page 8).

249.   Referring to claim 71, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the out-of-band communication comprises a communication

indicating a setting characteristic associated with the instant messaging sender (e.g., page 8).

250.   Referring to claim 72, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses a system for enabling perception of multiple online personas in an instant

messaging communications session, the system comprising: means to render, on an instant

messaging recipient system, an instant messaging application user interface for an instant

messaging communications session involving at least one potential instant messaging recipient

and a single potential instant messaging sender; means to send a message that includes a text

message and a persona selected among multiple possible personas associated with the instant

messaging sender to be displayed by the potential instant messaging recipient when displaying

the text message, the selected persona comprising a collection of one or more self-expression

items and a sender avatar capable of being animated; and means to render the selected persona at

the potential instant messaging recipient system when rendering another portion of the message

(please refer to the claim 1 for the rejections of the similar limitations).

251.   Referring to claim 73, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses a computer-implemented method for using an avatar to communicate, the

method comprising: representing a user graphically using an avatar capable of being animated

(e.g., page 3), wherein the avatar is associated with multiple animations and multiple features of

appearance that represent a pattern of characteristics representing a personality of the avatar

(e.g., page 7).

252.   Referring to claim 74, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the avatar is associated with a description that identifies the

personality of the avatar (e.g., page 8).

253.   Referring to claim 75, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses wherein the personality of the avatar includes at least some characteristics

that are distinct of at least some characteristics of a personality of the user (e.g., page 6).

254.   Referring to claim 76, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses graphically representing a second user with a second avatar capable of being

animated wherein the second avatar is associated with multiple animations and multiple features

of appearance that represent a pattern of characteristics representing a personality of the second

avatar (e.g., page 3), wherein: the personality of the second avatar includes at least some

characteristics that are distinct of at least some characteristics of the personality of the first

avatar, and communication messages are being sent between the first user and the second user

(e.g., page 7).

255.   Referring to claim 77, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses a computer-readable medium or propagated signal having embodied thereon

a computer program configured to use an avatar to communicate, the medium or signal

comprising one or more code segments configured to: represent a user graphically using an

avatar capable of being animated (e.g., page 3), wherein the avatar is associated with multiple

animations and multiple features of appearance that represent a pattern of characteristics

representing a personality of the avatar (e.g., page 7).

256.   Referring to claim 78, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses a system for using an avatar to communicate, the system comprising a

processor connected to a storage device and one or more input/output devices, wherein the

processor is configured to represent a user graphically using an avatar capable of being animated

(e.g., page 3), wherein the avatar is associated with multiple animations and multiple features of

appearance that represent a pattern of characteristics representing a personality of the avatar

(e.g., page 7).

257.   Referring to claim 79, De Vries discloses the claimed limitations as rejected above. De

Vries also discloses a system for using an avatar to communicate, the system comprising: means

for representing a user graphically using an avatar capable of being animated (e.g., page 3),

wherein the avatar is associated with multiple animations and multiple features of appearance

that represent a pattern of characteristics representing a personality of the avatar (e.g., page 7).

Conclusion

In order to expedite the prosecution of this case, multiple references are used for the

rejections to demonstrate that several references disclose the claimed subject matter of the

claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or

sections and/or page numbers in the reference(s) as applied to the claims above for the

convenience of the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety, as potentially teaching, all or part of the

claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by

the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2154

2/11/2008